

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

SIEW V. THONG, YUE F. XIA, QIAO F. CHEN,

Plaintiffs,

v.

LOVELY NAILS NY, INC. d/b/a "Lovely Nails", NEW  
ALWAYS NAILS CORP. d/b/a "Always is Nails",  
MAJOONGMOOL CORP. d/b/a "Always is Nails", J H  
DIVA NAIL & SPA INC. d/b/a "Diva Nails", VIVA NAILS  
& SPA, INC. d/b/a "Diva Nails", QIXING LI a/k/a "John  
Lee", GUINING CUI a/k/a "Susan Lee," and YING AI CHE  
a/k/a "Cha Young He",

Defendants.

08-CV-3469 (TCP)(WDW)

F I L E D  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT FOR N.Y.

★ APR 30 2013 ★

LONG ISLAND OFFICE

~~PROPOSED~~ CORRECTED ORDER GRANTING  
PARTIAL SUMMARY JUDGMENT IN FAVOR OF PLAINTIFFS

Plaintiffs Siew V. Thong, Yue F. Xia and Qiao F. Chen ("Plaintiffs") moved this Court for an Order granting them judgment on the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Twelfth and Fourteenth Causes of Action as asserted against Defendants Guining Cui and Majoongmool Corp. (together, the "Summary Judgment Defendants") in the Second Amended Complaint dated August 21, 2009 (Dkt. # 72) (the "Second Amended Complaint").

On March 29, 2012, this Court issued an Order via ECF granting the motion for partial summary judgment as unopposed, and requesting that Plaintiffs submit a proposed order on notice. Prior to the issuance of the Order, Defendant Guining Cui voluntarily filed a chapter 7 bankruptcy petition in the United States Bankruptcy Court for the District of New Jersey, Case No. 11-37098-MS. As a result of Defendant Cui's bankruptcy filing, the proceeding in this Court is currently subject to the automatic stay solely as to Defendant Cui. The automatic stay does not extend to Majoongmool Corp.

The Court has reviewed the Plaintiffs' First Motion for Partial Summary Judgment (Dkt. # 118), including the Notice of Motion dated October 28, 2010, the Affidavit of Carmela Huang sworn to on October 28, 2010 and the exhibits thereto, the Memorandum of Law dated October 29, 2010, and the Rule 56.1 Statement of Undisputed Facts dated October 28, 2010. No opposition to such motion was filed. Based on the Court's review of the motion and supporting documents, the Court finds that there are no genuine issues of material fact as to the Counts upon which Plaintiffs seek summary judgment, and that judgment is warranted based upon the evidence presented by Plaintiffs and governing legal standards.

Therefore, it is hereby ORDERED and ADJUDGED that:

1. Plaintiff Siew V. Thong shall have judgment in her favor on Counts I, II, III, IV, V, VI and VII in the Second Amended Complaint against Defendant Majoongmool Corp. in the amount of \$28,317.00,<sup>1</sup> consisting of:

Minimum Wages	\$790.00
Overtime Wages	\$2,902.00
Spread of Hours Wages	\$2,633.00
Liquidated Damages – Fair Labor Standards Act	\$3,693.00
Liquidated Damages – New York Labor Law	\$1,581.00
Pre-judgment Interest up to October 28, 2010	\$1,406.00
Retaliation Damages (lost wages and tips)	\$15,312.00
<b>Total</b>	<b>\$28,317.00</b>

2. Plaintiff Yue F. Xia shall have judgment in her favor on Counts I, II, III, IV, V, VI and VII in the Second Amended Complaint against Defendant Majoongmool Corp. in the amount of \$25,913.00, consisting of:

Minimum Wages	\$558.00
Overtime Wages	\$6,332.00
Spread of Hours Wages	\$3,869.00
Liquidated Damages – Fair Labor Standards Act	\$6,890.00

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<sup>1</sup> All damages amounts sought by Plaintiffs, and the computations establishing these damages, were set forth in detail in the Affidavit of Carmela Huang (Dkt. # 118-6) at Paragraphs 4-14 and exhibits cited therein.

Liquidated Damages – New York Labor Law	\$2,690.00
Pre-judgment Interest up to October 28, 2010	\$3,362.00
Retaliation Damages (lost wages and tips)	\$2,212.00
<b>Total</b>	<b>\$25,913.00</b>

3. Plaintiff Qiao F. Chen shall have judgment in her favor on Counts I, II, III, IV, V and VI in the Second Amended Complaint against Defendant Majoongmool Corp. in the amount of \$55,556.00, consisting of:

Minimum Wages	\$1,190.00
Overtime Wages	\$14,185.00
Spread of Hours Wages	\$8,473.00
Liquidated Damages – Fair Labor Standards Act	\$15,375.00
Liquidated Damages – New York Labor Law	\$5,962.00
Pre-judgment Interest up to October 28, 2010	\$10,371.00
<b>Total</b>	<b>\$55,556.00</b>

4. Plaintiffs Siew V. Thong, Yue F. Xia and Qiao F. Chen shall have judgment in their favor on Count XII in the Second Amended Complaint against Defendant Majoongmool Corp., and the transfer of the Always Is Nails business to Lovely Nails NY, Inc. on or about September 12, 2008, is held to constitute a fraudulent conveyance within the meaning of N.Y. Debtor and Creditor Law § 276.
5. Plaintiffs Siew V. Thong, Yue F. Xia and Qiao F. Chen shall have judgment in their favor on Count XIV in the Second Amended Complaint against Defendant Majoongmool Corp. and the transfer of the Always Is Nails business to Lovely Nails NY, Inc. on or about September 12, 2008, is held to constitute a fraudulent conveyance within the meaning of N.Y. Debtor and Creditor Law § 273.

SO ORDERED:

Dated: April 30, 2013  
Central Islip, NY

/s/ Thomas C. Platt

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Hon. Thomas C. Platt  
United States District Judge